

B. J. 11.158

THE
A P P E A L;
OR,
AUTHENTIC COPIES
OF
TWO LATE ADDRESSES, &c.

Gough Oxford 104. (6)



THE
A P P E A L;
OR,
AUTHENTIC COPIES
OF
TWO LATE ADDRESSES,
TO
THE RIGHT REVEREND
THE LORD BISHOP OF WINCHESTER,
AS VISITOR
OF
SAINT MARY MAGDALEN COLLEGE, OXFORD.



————— *Sunt certi denique Fines,
Quos ultra citràque nequit consistere Rectum.*

L O N D O N:

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and by the Booksellers in Oxford.

MDCCLXXII.

*To the Right Reverend Father in God, JOHN, by
divine Permission, Lord Bishop of Winchester,
and Visitor of the College of St. Mary Mag-
dalen in Oxford,*

*The humble Petition of Ambrose Kent,
Doctor in Divinity, and Fellow of the
said College,*

SHEWETH,

THAT in the Month of April 1770, your Petitioner was instituted, and inducted to the Rectory of Berkely, in the Diocese of Bath and Wells; which Rectory, not being charged in the *Valor* of Edward I. (commonly called Pope Nicholas's) is, by your Lordship's visitatorial Decree, dated 4th May 1769, tenable with his Fellowship in the said College.

THAT in the Month of May 1771, your Petitioner was instituted, and inducted to the Rectory of Saunderton,
in

in the Diocese of Lincoln; which Rectory (by the Permission of his Patroness and Diocefan) he holds with the Rectory of Berkely aforesaid; and by your Lordship's aforesaid Decree (Saunderton being charged at only Sixteen Marks a Year) he is entitled to hold both Rectories together with his said Fellowship.

THAT notwithstanding your Petitioner's Case be so plain that it cannot be mistaken, yet he does not presume to appear before your Lordship upon a frivolous Plea, with any private Views, or sinister Intention; but is unhappily brought into a Dilemma how to act, to the entire Satisfaction of himself, and those with whom he is connected, by the following Consideration, which is humbly submitted to your Lordship's Cognizance.

THE Statute of Magdalen College which qualifies a Doctor in any Faculty to retain certain Preferments with his Fellowship, allows him to hold "*Beneficium ecclesiasticum cum quodcumque cum Curâ, vel sine Curâ—dummodò verus Valor annuus ejusdem viginti Mercas non excedat.*" Now the Rectory of Saunderton being of the
Value

Value of about 200*l.* a Year (be it more, or less) the Society, taking into their Consideration the different Value of Money between the present Time, and that of the Reign of Edward I. have determined that the Profits of the said Rectory *do* exceed the yearly Value of twenty Marks: And your Petitioner's Predecessors in that Rectory have uniformly resigned their Fellowships upon their Promotion to it, at the Expiration of what has been termed their Year of Grace, ever since the said Rectory has been in the Patronage of the said Society. But your Lordship having judicially altered their Rule of Computation, and determined that "*verus Valor annuus*" means only *Pope Nicholas's Valor*, your Petitioner finds himself concerned in Interest, as well as impelled by his Oath, to receive, and adhere to that Interpretation and Decree. His Interest however he is ready and willing to sacrifice to that of the Society; and his Oath, in this Instance, will no longer bind him than he shall choose to continue a Fellow of the College. But your Petitioner neither acts, nor speaks for himself alone; he stands as the Representative of all those who shall hereafter follow him in similar Circumstances: And humbly conceives that in his Case
a very

a very interesting and important Question must finally be determined—namely, whether a constant Attention*, generously exerted by the College to promote a Succession, and extend the Munificence of their Founder as widely as possible, is to be encouraged; or, whether, by your Lordship's Licence and Approbation, the Benefits and Advantages of the Society are to be contracted within a narrower Circle, and the † larger and more valuable Part of their Preferments appropriated to the Use and Enjoyment

* The Society have given many beneficial Leases of great Tythes, and other Lands, at a very low Rent, to the Incumbents upon poor Benefices in their Patronage, and have it in Contemplation to appropriate others to the same Uses, upon the same Terms; besides many Sums contributed annually to the same laudable Purpose.

† By the Visitor's late Decree, thirteen, out of twenty-one, Preferments in the Gift of the Society, which have hitherto vacated Fellowships, are now become tenable: Eight of them with a Doctor's Degree; five with any inferior Degree.

Of the first Class, are

Washington V. Suffex,	-	-	-	17 Marks.
Sela V. Suffex,	-	-	-	20 M.
Dukelington R. Oxon,	-	-	-	17 M.
Wynterburn Bassette R. Wilts,	-	-	-	15 M.
Appeltone R. Berks,	-	-	-	17 M.

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ment of the Fellows only, as Appendages to their Fellowships?

{ Eftone (Afton) R. Berks,	-	-	17 M.
{ Tubbeney R. Berks,	-	-	not charged, (i. e.
To the King—but) Penſio Abbis de			
Abendon in Eccleſiâ de Tubbeney in			
decimabil :			
	-	-	0 12 d.
Saundresdon {	Sti. Nicolai	} R. Bucks, {	8 M.
	Stæ. Mariæ		8 M.
Staneway Magna cum Capella R. Effex,			16 M.

Of the ſecond Claſs, are

Brambre R. Suffex,	-	-	10 M.
Fiteltone R. Wilts,	-	-	5 M.
Boytone R. Wilts,	-	-	not charged.
Evenly V. Northampton,	-	-	not charged.
Baſing Curacy, Hants,	-	-	not charged.

Eight remaining untenable, are

Stanelake R. Oxon,	-	-	23 M.
Bekensfield R. Bucks,	-	-	23 M.
Saleburn V. (cum Capellâ) Hants,	-	-	33 M.
Slymbrigg R. Glouceſter,	-	-	43 M.
Eſtbrigford R. Nottingham,	-	-	30 M.
Dunington (Dinton) V. Wilts,	-	-	25 M.
Fyndone V. Suffex,	-	-	40 M.
Baſingſtoke V. Hants,	-	-	24 M.

Of this Claſs of Preferments it is to be remarked, that the College have only an alternate Preſentation to Eaſt Bridgeford, and that the three laſt (among others) are become optionable ſolely by the Bounty of the Society.

IF your Lordship foresaw this Consequence, and intended this Indulgence to the Fellows of Magdalen College, they, the said Fellows, have all Reason to return their humble Thanks for the Bounty. But if this were not your Lordship's Intention, your Lordship is hereby respectfully reminded that they are left without any consistent Rule of Conduct.

YOUR Petitioner therefore most humbly prays, that your Lordship will be pleased, in your paternal Wisdom, and Goodness, to give such judicial Directions in this Case, as that the Will of the Founder may be established upon a firm Basis, the Peace and Welfare of the Society secured, and the good Name of your Petitioner guarded against the malicious Reports of slanderous Persons, who may otherwise attempt to vilify him as the Broacher of a Novelty, which he is most truly anxious, by all honourable and statutable Methods, to provide against and prevent.

AND your Petitioner, as in Duty bound, shall ever pray.

THE foregoing Appeal is the genuine Fruit of several false, and injurious Reports, concerning a late Letter of Dr. Kent's to the Visitor, which have been industriously and widely propagated by a Gentleman in known *Favour* with his Lordship, and lately preferred by him, who affirmed he had seen the Original. Dr. Kent having born, by that Letter, the last Testimony of his Duty to his Founder, intended to have resigned his Fellowship, at the Expiration of the Year, without any publick Application to his Lordship; but this wanton Attack upon his Character made his Situation and Circumstances more publickly known, and canvassed: And it was suggested to him by his Friends, that “not his own
 “ Reputation only, but the future Peace and Welfare of
 “ Magdalen College required, that he should not now
 “ desert a Cause, (which he had hitherto maintained upon
 “ such unequal Terms) when Victory seemed to be
 “ declaring in his Favour—that many Preferments in
 “ the Patronage of the College had long been tenable
 “ upon a statutable Ground; and since so large an Addition was made to them, it could not be supposed in
 “ Reason, or common Sense, that that Part of the Society
 “ which had no other Dependence, would long forego

“ Advantages so liberally indulged to their Brethren of
 “ higher Connections—and therefore that a fairer Oppor-
 “ tunity could never offer, to bring the Merits of the
 “ Decree of 4th May 1769, to an unexceptionable and
 “ final Issue.”

DR. Kent had anticipated all this, and much more than this, in his own Thoughts; and yet had determined to leave the Visitor to re-consider his Decree, at his own Time, and in his own Way. But having been represented by so confidential a Partizan (who, according to his own Pretences, first peruses his Lordship's most private Letters, and then extracts from them what Intelligence he pleases) as “ a *Calumniator*,”—as “ *insane*”—as “ *acting from* “ *private Pique, Malice, and Resentment*” against a Gentleman, with whom, to the best of his Knowledge, and Remembrance, he never had a Word of Altercation in his Life, he hopes it will be considered as a pardonable Change of his Resolution, that he has, in his own Person, moved a Question, in the Solution of which he has less Regard to his own Interest, than to the Establishment of Truth and Justice. For he is determined, in any Case, to resign his Fellowship, as soon as the Visitor shall be at Leisure to
 give

give a judicial Answer to his Appeal. And yet, if the Statute “De Sociis & Scholaribus beneficiatis” has been properly explained, no one has a better Title to enjoy the Benefits of that Explication than Dr. Kent, who has felt such deep Marks of the Visitor’s Resentment for maintaining an erroneous Opinion. If the Explication itself shall be found to want Amendment, it may be thought that he has been entitled to a more candid and equitable Treatment.

UPON the Whole Dr. Kent is infinitely sorry to be obliged to have Recourse to another Publication, and to expose, in his own Justification, a Copy of the aforementioned Letter, which he intended should for ever have remained a Secret between the Visitor and himself; to be a Testimony to his Lordship, that he had no private Views, no Ideas of an idle Popularity to gratify, but had been moved, in this whole Business, by a pure Sense of Duty, and an upright Conscience. For the Authenticity of the Copy he appeals to his Lordship, and submits his Cause once more, though with Reluctance, to the Candour of the Publick.

“ My Lord,

Berkely, July 27th, 1771.

“ **T**WO Years, and more, are now elapsed, since
 “ your Lordship cited me, by an Instrument
 “ under your Episcopal Seal, to appear at Chelsey. Of
 “ the Cause of that Citation I will say nothing, except
 “ that having entered into a strict Scrutiny with myself
 “ upon the Motives of my Conduct, I am conscious of
 “ no other than a Zeal to maintain the Integrity of my
 “ Founder’s Statutes to the utmost of my Ability. If
 “ that Zeal transported me beyond proper Bounds, I
 “ am sorry for it. I have ever lived, my Lord, with
 “ the Comfort and Advantage of a good Character, and
 “ as a Friend to Order and Discipline. I had not the
 “ most distant Thought of opposing your Authority, to
 “ the just Exercise of which I owe and profess an
 “ implicit Obedience. But I must still beg Leave to
 “ maintain a Freedom of Opinion, and, as a true Son
 “ of Bishop Waynflete, humbly to represent to you an
 “ Inconvenience or two, which may probably arise from
 “ your literal Interpretation of his Statutes; leaving it
 “ to your Lordship’s superior Judgment whether it will
 “ become

“ become your visitatorial Character to apply a Remedy
 “ to them, or not.

“ YOUR Lordship has laid me under a strong Temp-
 “ tation to hold the Rectory of Saunderton, to which
 “ I have been lately presented by the College, together
 “ with the Rectory of Berkely and my Fellowship. This
 “ Preferment singly, ever since it has been in the Pa-
 “ tronage of the Society, used to vacate a Fellowship;
 “ but both Rectories are now tenable according to your
 “ late Decision. For it makes no Difference whether I
 “ am presented to a second Benefice by the Society of
 “ which I am a Member, or by a foreign Patron. The
 “ Obligations of two Persons so circumstanced are indeed
 “ different, but their Situation, with Respect to the
 “ Society, is precisely the same. They are equally bene-
 “ ficial, or injurious to it; equally the Objects of their
 “ Founder's Attention and Regard, who has made no
 “ Distinction between one Preferment and another, but
 “ set them all upon the same equal Footing. I trust
 “ I shall resist this Temptation effectually; and perhaps
 “ it may be retorted upon me, that I am bound to do
 “ so

“ so upon my own Principles. True, my Lord; but
 “ still it is a Temptation; and such a one as may be
 “ too hard for the Virtue of future Fellows, if not for
 “ my Pride (for it becomes me not to speak too favour-
 “ ably of my Motive here) to overcome. The Practice
 “ is not yet begun; nor three Years ago was the Practice
 “ of holding two Preferments above the Value of twenty
 “ Marks: But there is now Authority for both; and
 “ the whole Patronage of the College, in the Course
 “ of a few Years, may be monopolized by the Fellows
 “ in Possession, and added to their Fellowships, and any
 “ other Preferments they can acquire by different Means;
 “ which they will be enabled to pursue with a greater
 “ Probability of Success than they have hitherto done, as
 “ they will be in better Circumstances to appear in the
 “ World to push their Fortunes to the utmost.

“ THIS, my Lord, is no improbable nor uncharitable
 “ Conjecture. The Practice has been already attempted,
 “ though never permitted. The Society have ever
 “ watched over their Patronage with a jealous Eye.
 “ Though, with Respect to foreign Preferments, they
 “ have

“ have shifted from *Valor* to *Valor*, according as either
 “ has most favoured them, they have uniformly tried
 “ their own by the Founder’s Standard—the *verus*
 “ *Valor annuus*;—and whoever should presume to hold
 “ a Preferment of theirs upon other Grounds must do
 “ it at the Peril of Expulsion.

“ BUT, my Lord, upon what Principle could the
 “ Society now expel me, were I to continue to hold
 “ Saunderton with my Fellowship? They would not
 “ be rash enough to attempt it. Or, if they were, your
 “ Lordship would be more concerned to restore me than
 “ you were to reverse the Motion of Dr. Walker. He
 “ appealed upon a Presumption only that your Lordship
 “ would approve and confirm his new Interpretation:
 “ My Appeal would rest upon a sure Basis. Your late
 “ Decree has allowed the Tax in the King’s Books to
 “ be the Standard of the *true annual Value*; and, accord-
 “ ing to the Practice of the Society, I may have Recourse
 “ to the Tax of Edward I. or Henry VIII. either of
 “ which will serve my Turn.

“ AND as the Patronage of the College may be mono-
 “ polized, so may the Succession to Fellowships, established

“ by the Founder, be entirely subverted by the literal
 “ Sense. This, my Lord, has not only been attempted,
 “ but practised through a long Course of Years; till at
 “ Length the Abuse was remedied by a Visitor. How
 “ soon a new Remedy may be wanted, and where it is to
 “ be found, may deserve Consideration.

“ THE literal Sense of ‘Beneficium ecclesiasticum,’ esta-
 “ blished by your Lordship, is, with Subtlety enough,
 “ deduced by the Lawyers. But according to the plainer
 “ Rules of Grammar, and Propriety, there seems to be
 “ another and better literal Sense, which, as well as the
 “ acknowledged Intention of the Statute, makes the
 “ Whole consistent with itself; and that is, to consider
 “ ‘Beneficium ecclesiasticum,’ as meaning ‘unum Bene-
 “ ‘ficium’ in Contradistinction to the ‘Beneficia eccle-
 “ ‘siastica’ which the President, and Divinity-Lecturer
 “ are allowed to hold. I am not indeed much concerned
 “ about any Interpretation that is merely literal, but of
 “ the two literal Senses your Lordship will not long
 “ hesitate which deserves the Preference.

“ THE Sacredness of your Lordship’s Character leaves
 “ me no Room to doubt that you are always ready to
 “ receive

“ receive Information; and it is with this View principally
 “ that I have presumed to lay the foregoing Circumstances
 “ before you. I do not believe that your Lordship is ac-
 “ quainted with these Consequences, much less that they
 “ have your Approbation.

“ I WRITE this, my Lord, with all Secrecy and
 “ Seriousness as in the Presence of Almighty God to
 “ whom my Heart is open, and who will be my Judge.
 “ If I know myself at all, I am not under any undue
 “ Influence of Passion, private Pique, Resentment, or
 “ Malice; much less am I actuated by a rebellious Spirit;
 “ having ever lived, and being desirous to live in all
 “ dutiful and peaceful Subjection to my Governors and
 “ Superiors of all Sorts. But, my Lord, I have been
 “ accustomed, from my earliest Youth, to venerate the
 “ Memory and Will of Founders and Benefactors, to
 “ whose Liberality I owe my Education and Advance-
 “ ment. I have frequently observed and lamented the
 “ Variety of Abuses to which their several Institutions
 “ are liable; and have uniformly endeavoured, not
 “ without some Success, according to the little Extent of
 “ my Ability to obviate them. I am however a very

“ inferiour Agent in the Work of Reformation; the
 “ Power to do any substantial Good is vested in your
 “ Lordship alone. You are the Founder’s Trustee; and
 “ the Charge committed to you, is, in his Estimation, of
 “ such Importance that he has not thought the Sacredness
 “ of your Episcopal Character a sufficient Tie upon
 “ you; he has moreover adjured you by every Con-
 “ sideration calculated to impress you with an awful
 “ Sense of the just Judgment of God to execute it
 “ with Fidelity and Integrity. May the Work so prosper
 “ in your Lordship’s Hands, that together with the
 “ Applauses of all good Men, you may experience the
 “ Testimony and Approbation of a well-informed Con-
 “ science in the Discharge of it.”

I am, my Lord,

with the Deference that becomes me,

— Your Lordship’s

most dutiful and obedient Servant,

Ambrose Kent.

THE Author of the Reports complained of being a Fellow of Magdalen College; if any one, not satisfied with what has been already said, shall be inclined to ask, whether Dr. Kent would not have done himself more Honour by adhering to his first Design, and lodging a Complaint with the Visitor, who could not have failed to punish the Slanderer? The plain and true Answer is, that the Doctor was desirous to adopt any Measure that should be most respectful to his Lordship, provided it tended effectually to clear his own Character from the unjust Imputations brought upon it. He was diverted however from taking any Step like that suggested, by the following remarkable, but discouraging Circumstance.

IN the Beginning of November last, when the Letter of 27th July became a Subject of publick Conversation in Oxford, a Friend of Dr. Kent's, giving no Credit to the ill Reports it had occasioned, requested of him that he might have Authority to contradict them. Instead of writing to him singly, Dr. Kent addressed to the President
of

of Magdalen College an Account of his Letter to the Visitor, and desired that what he had written might be communicated to the Society at large, when they met next upon publick Business. But it so happened that no College-Business was immediately in View. The President therefore wrote to Dr. Kent to tell him so ; and at the same Time added, that “ as Reports had “ been circulated very much to his Disadvantage, he “ submitted it to him, whether it would not be necessary, “ for his plenary Justification, to send an entire Copy of “ the Letter to the Visitor, to some Friend, for general “ Perusal.” With this Hint Dr. Kent immediately complied, and sent a Copy authenticated under his own Hand.

WHEN every resident Fellow of the Society had perused that Copy, a second Person, who had made free with Dr. Kent's Character, upon the same Occasion, to a Gentleman of Rank and Consequence in the University, said, by way of Apology, that “ he had seen Dr. Kent's “ Letter, and was fully convinced that it conveyed a “ Sense very different from the Representation he had “ given

“ given of it to him. He therefore thought himself
 “ obliged to retract what he had said, as far as respected
 “ the Truth of the Fact ; but at the same Time declared,
 “ that he had reported no more than what he had heard
 “ in Conversation *from the Bishop, at Mr. Buller's House.*”
 This voluntary Declaration (if it be credited) certainly
 exculpates him, but fixes a Blot where no Man of Candour
 would wish to find it. Dr. Kent however is guiltless of
 the Charge : And he is ready (if called upon, as he ought
 to be in so very delicate a Case) to evidence the Reality of
 the Accusation.

THE first, and general Reporter, it is apprehended, has
 no such Excuse to plead. He affirmed, that “ he had
 “ heard the Letter read ;” — and to a Gentleman (at
 another Time) who objected, that “ if such a Letter as he
 “ represented had been sent to the Visitor, it must have
 “ been forged,” he replied, “ No ; I saw the Letter, and
 “ am perfectly acquainted with Dr. Kent's Hand.” He
 seems therefore to be convicted, out of his own Mouth,
 either of Malice prepense, or of uttering a notorious
 Falsity

Falsity in pretending to have "heard, and seen," what he never heard, or saw. He may take which Side of the Alternative he pleases, and is left to his own Reflections. Dr. Kent is not studious to draw Consequences; he has rightly stated Facts, and leaves those who are concerned to make the Application.

Berkely, Somersetshire,
15th May 1772 *.

* Dr. Kent was instituted to the Rectory of Saunderton 16th May 1771.

F I N I S.

